

1 STEVEN TOSCHER, State Bar No. 91115
2 CHARLES P. RETTIG, State Bar No. 97848
3 AVRAM SALKIN, State Bar No. 30412
4 SHARYN M. FISK, State Bar No. 199898
5 LACEY E. STRACHAN, State Bar No. 260680
6 Hochman, Salkin, Rettig, Toscher & Perez, P.C.
7 9150 Wilshire Boulevard, Suite 300
8 Beverly Hills, California 90212
9 Phone: 310/281-3200
10 Fax: 310/859-1430
11 E-Mail: sf@taxlitigator.com

12 Attorneys for Plaintiffs Santa Clara Valley Housing Group, Inc.
13 and Kristen M. Bowes

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SANTA CLARA VALLEY HOUSING
GROUP, INC. and KRISTEN M. BOWES,

Plaintiffs,

v.

UNITED STATES OF AMERICA

Defendant.

CASE NO. 08-cv-05097-WHA

STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
[PROPOSED] ORDER

SANTA CLARA VALLEY HOUSING GROUP, INC. (“Santa Clara”), and KRISTEN M. BOWES (“Bowes”) (collectively referred to as “Plaintiffs”) and the UNITED STATES OF AMERICA (“United States”), by and through their attorneys, hereby request that the Case Management Conference may be continued from December 15, 2011 at 11:00 a.m. to January 19, 2012 at 11:00 a.m.

The reason for the continuance is as follows:

1. On February 14, 2011, SCVHG filed a Motion for Summary Judgment on Second Class of Stock Issue (Doc. #70), Bowes filed a Motion for Summary Judgment (Doc. #71) and the United States filed a Motion for Summary Adjudication of Issues Against SCVHG (Doc. #66).

///

1 2. On September 21, 2011, the Court issued Order Re Parties' Cross-Motions for Summary
2 Judgment (Doc. #96) in which it: (1) granted United States' motion for partial summary judgment; (2)
3 denying SCVHG's motion for summary judgment; and (3) granting in part and denying in part Bowes'
4 motion for summary judgment.

5 3. On September 26, 2011, this case was reassigned to the San Francisco division to the
6 Honorable William H. Alsup.

7 4. On October 7, 2011, SCVHG filed a Notice of Motion and Motion for Leave to File a
8 Motion for Reconsideration seeking reconsideration of the Court's Order Re Parties' Cross-Motions for
9 Summary Judgment dated September 21, 2011 (Doc. #96).

10 5. On October 12, 2011, the first Case Management Conference was held before this Court.
11 In the Civil Pretrial Minutes, the Court stated that Judge Jeremy Fogel would rule on SCVHG's Notice
12 of Motion and Motion for Leave to File a Motion for Reconsideration, the trial schedule would be set
13 after Judge Fogel's ruling, and a further Case Management Conference was set for December 15, 2011.

14 6. On November 1, 2011, Judge Fogel granted SCVHG's Motion for Leave to File a Motion
15 for Reconsideration and a final briefing schedule was set.

16 7. The United States filed its Opposition to the Motion for Reconsideration on November
17 21, 2011 and SCVHG filed its Reply to Defendant's Opposition on November 30, 2011. This matter is
18 submitted and before Judge Fogel.

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 8. The parties believe that a Case Management Conference would be more productive after
2 Judge Fogel rules on the Motion for Reconsideration so that the parties will know what issues remain
3 in the case.

4 Therefore, the parties hereby stipulate that the Court continue the Case Management Conference
5 from December 15, 2011 at 11:00 a.m. to January 19, 2012 at 11:00 a.m.

7 DATED: November 30, 2011 HOCHMAN, SALKIN, RETTIG, TOSCHER & PEREZ, P.C.

By: /S/ Sharyn M. Fisk
SHARYN M. FISK

Hochman, Salkin, Rettig, Toscher & Perez, P.C.
9150 Wilshire Boulevard, Suite 300
Beverly Hills, California 90212-3414
Telephone: (310) 281-3200
Facsimile: (310) 859-1430
Fisk@taxlitigator.com

*Attorney for SANTA CLARA VALLEY HOUSING GROUP, INC.
and KRISTEN M. BOWES*

DATED: November 30, 2011

UNITED STATES DEPARTMENT OF JUSTICE

JOHN A. DICICCO
Principal Deputy Assistant Attorney General

By: /s/ Henry C. Darmstadter
HENRY C. DARMSTADTER
JAMES E. WEAVER
ADAM D. STRAIT
Trial Attorneys, Tax Division
U.S. Department of Justice

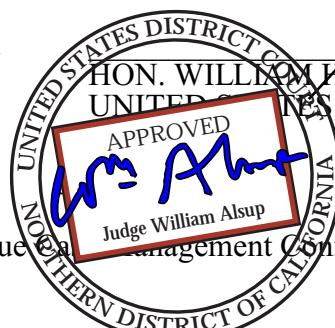
Of counsel: MELINDA HAAG
United States Attorney
THOMAS NEWMAN
Assistant United States Attorney

Attorneys for the UNITED STATES OF AMERICA

PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED.

Dated this 7th day of December , 2011

28 | 316775.1



Stipulation to Continue []
Judge William []
[] Conference and [Proposed] Order